

Amended Complaint

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

CA 05-64E

John Dunmire - CL-4931

10745 Rt. 18

Albion, PA 16475-0002

Enter above the full name and address

(the plaintiff in this action)

VS.

Capt. DePasquale, SCI Albion, 10745 Rt. 18, Albion, PA 16475-0002, Captain of Guard

PA. Dept. of Corrections, 2520 Lisburn Rd., Camp Hill, PA. 17011

Marilyn S. Brooks, SCI Albion, 10745 Rt-18, Albion, PA. 16475-0002, Superintendent

Enter above the full name, title, and Michael Harlow, 10745 Rt 18, Albion, PA, Dep. Superintendent
business address of each defendant in Major Giddens, Major of Guard, 10745 Rt. 18, Albion, PA.
(s action)

Plaintiff brings this action against the above named and identified defendants on the following cause in this
action.

I. Where are you now confined? SCI - Albion

What sentence are you serving? 6 1/2 - 13 year sentence

What court imposed the sentence? Washington County Judge Harrett

II. Previous Lawsuits

A. Describe any and all lawsuits in which you are a plaintiff which deal with the same facts involved in this action. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same outline.)

1. Parties to this previous lawsuit

Plaintiffs N/A

Defendants N/A

2. Court (if federal court, name the district; if state court, name the county) and docket number N/A

3. Name the judge to whom case was assigned N/A

4. Disposition (For example: Was the case dismissed? Was it appealed? Is it still pending?) N/A

5. Approximate date of filing lawsuit N/A

6. Approximate date of disposition N/A

B. Prior disciplinary proceedings which deal with the same facts involved in this action:

Where? N/A

When? N/A

Result: N/A

III. What federal law do you claim was violated? 42 U.S.C. 1983, 8th Amendment,
Cruel and unusual Punishment

IV. Statement of Claim

(State here as briefly as possible the facts of your case. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Use as much space as you need. Attach extra sheet if necessary.)

A. Date of event: 9-14-04

B. Place of event: SCI- Albion

C. Persons involved--name each person and tell what that person did to you: On 9-14-04 at the Direct order of Captain DePasqual I was Forced to Submit to A Strip Search while in The East Side Recreation Yard Weight Pit.
This Strip Search was done in an area in Plain View of Female Corrections officers As well All inmates in the East Yard who were also subjected to this Search And inmates looking out their windows on Housing units D and C. This Search was conducted Without the Authorization of The Superintendent And was done in a manner which was Humiliating and degrading And has caused me Psychological Damage.
In Addition to the violation of 8th Amendment Rights to be free From cruel and Unusual punishment, This Strip Search Violated D.P.T. of Corrections Policy, DC-ADM 001 which States that no inmate should be Subjected to humiliation of any kind. If This Strip Search was necessary, it could have easily been done in a more Secure Area rather than outside in the Yard in Full view of Female officers and other inmates. This Search Turned up no Contraband and Proved to be nothing more than officially Sanctioned Humiliation and cruel and unusual punishment. When The Superintendent learned of this She issued A written APology And Stated that "a mistake had been made" by STAFF who Conducted the Strip Search. I then learned that the order originated with Deputy Superintendent Harlow who in turn gave the order to Major Giddens who is Major of the guard, Giddens directed CAPT. DePasqual to conduct the search

V. Did the incident of which you complain occur in an institution or place of custody in this District? If so, where? SCI - Albion

and answer the following questions:

A. Is there a prisoner grievance procedure in this institution?

Yes() No()

B. Did you present the facts relating to your complaint in the state prisoner grievance procedure?

Yes() No()

C. If your answer is Yes,

1. What steps did you take? Filed A Formal grievance, grievance # 95849

2. What was the result? The grievance officer responded by issuing a written Apology and admitted "a mistake was made..."

D. If your answer is NO, explain why not:

E. If there is no prison grievance procedure in the institution, did you complain to prison authorities? Yes() No()

F. If your answer is Yes,

1. What steps did you take?

2. What was the result?

VI. Relief

State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes. Punitive, exemplary and compensatory Damages in the Amount of Seventy Five Thousand Dollars Together with Costs of Suit

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

7/23/05

(Date)

J.W.D. - the -
(Signature of Plaintiff)

CERTIFICATE OF SERVICE

I, John Dunmire do hereby certify that I have served a true and correct copy of the foregoing by placing same in the US Mail, first class postage paid and addressed as follows:

Counsel for all defendants,
Attorney General of Pennsylvania,

Thomas Corbett Jr
Attorney General
Office of the Attorney General
6th Floor Manor Complex
564 Forbes Ave
Pittsburgh PA 15219

Respectfully Submitted,

John Dunmire

John Dunmire, Plaintiff
10745 Rt. 18
Albion, Pa. 16475-0002

Date: 8/03/05